

Chapter 44

CABARETS

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[HISTORY: Adopted by the Town Board of the Town of Bedford 8-15-1972. Amendments noted where applicable.]

GENERAL REFERENCES

Alcoholic beverages — See Ch. 31.
Noise — See Ch. 83.

Zoning — See Ch. 125.

§ 44-1. Purpose; construal of provisions.

This entire chapter shall be deemed an exercise of the police power of the State of New York and of the Town of Bedford for the protection of the economic and social welfare, health, peace and morals of the people of the Town of Bedford, and all its provisions shall be liberally construed for the accomplishment of that purpose.

§ 44-2. Definitions and word usage.

- A. Definitions. As used in this chapter, the following terms shall have the meanings indicated:

CABARET — An establishment of public resort, accommodation, assemblage, entertainment or amusement where refreshments of any kind are served for gain or profit, and/or dancing, entertainments or exhibitions are given or permitted in connection therewith, or a place of public resort, accommodation, assemblage, entertainment or amusement where exhibitions or other forms of entertainment or amusement are given or conducted for gain or profit and dancing and serving of refreshments of any kind are permitted. The term "cabaret" as used herein shall not include establishments providing music either by mechanical device or by band or orchestra for the entertainment of patrons and/or dancing by such patrons only.

EMPLOYEE — A person employed in any capacity or title in connection with a cabaret, including the licensee and any and all persons responsible for the control or management thereof. It shall also include a concessionaire and each person employed by such concessionaire.

PERSON — Includes natural persons of either sex, firms, copartnerships and corporations, whether acting by themselves or by a servant, agent or employee.

- B. Word usage. The singular number shall include the plural, and the masculine pronoun shall include the feminine.

§ 44-3. License required.

No person shall conduct, manage or operate a cabaret unless such person shall have a valid and subsisting license so to do, obtained in the manner herein provided.

§ 44-4. Application for license. [Amended 3-7-2006 by L.L. No. 2-2006]

- A. Any person desiring to procure a cabaret license shall make application therefor to the Town Board upon a form to be furnished by the Town Clerk, and which form shall be prescribed from time to time by the Town Board:

TOWN OF BEDFORD

Application for Cabaret License

1. Name and address of the applicant.
2. State whether an individual, partnership or corporation.
3. If a partnership, state the names of all persons having an interest in the business.
4. If a corporation, state the names of its officers.
5. If an individual or partnership, state whether all persons sharing in profit of business are citizens of the United States.
6. State the names of such persons who are not citizens of the United States.
7. If a corporation, give the names of each stockholder, together with the number of shares of capital stock held by each.
8. If a corporation, state whether all stockholders are citizens of the United States.
9. Give the names of any stockholders who are not citizens.
10. State the names and addresses of all persons who hold mortgages, loans or other forms or evidences of indebtedness in relation to the business.
11. Proposed location of the cabaret.
12. Nature of the entertainment or exhibition to be produced.
13. Has the applicant or anyone owning an interest in the proposed cabaret been convicted within one (1) year preceding the date of this application of violating any ordinance or law relative to the sale of intoxicating liquor?

TOWN OF BEDFORD**Application for Cabaret License**

14. Have any of said persons ever been convicted of violating any ordinance or law relating to public morality and decency?
15. Do the premises upon which the proposed cabaret is to be conducted comply with the requirements of the Building Code and those relating to health and sanitation?
16. Do said premises comply with the requirements of the ordinance of the Town of Bedford relating to and regulating cabarets, providing for the licensing thereof, regulating the conduct of persons therein, defining offenses and providing penalties for the violation thereof?
17. State the names, addresses and dates of birth of all employees.

State of New York)

) ss.

County of Westchester)

....., being duly sworn, deposes and says: I am the
, above-named applicant and make this affidavit for the purpose
 of obtaining from the Town of Bedford a license to operate a cabaret as provided
 in an ordinance relating to and regulating cabarets, providing for the licensing
 thereof, regulating the conduct of persons therein, defining offenses and
 providing penalties for the violation thereof. I have personal knowledge of the
 matters stated in the foregoing application, and the statements therein contained
 are true.

.....
 Sworn to before me this

.....day of....., 20..

.....
 Notary Public, Westchester County

- B. Said application shall be signed and duly verified by the applicant before an officer authorized to administer oaths. No such applications shall be granted to conduct such cabaret on premises which do not conform to the requirements of this chapter and all laws and regulations of the State of New York and all ordinances and regulations of the Town of Bedford.

§ 44-5. Investigation and report; issuance or denial of application; hearing.

- A. The Town Board, upon presentation of such application and before acting upon the same, shall refer such application to the Department of Police for a full investigation as to the truth of the statements contained therein and as to any or all other matters which might tend to aid said Town Board in determining whether or not such application should be granted.

- B. Said Department of Police shall, within two weeks after any application has been referred to it, furnish a written report to the Town Board containing the result of its investigation. If the Town Board is satisfied that the statements contained in such application are true and that the premises described in the application comply with the requirements of this chapter, it shall issue the license applied for; provided, however, that no such application shall be granted unless the applicant (if a corporation, the holders of a majority of its capital stock) and all persons having an interest in such business are citizens of the United States and of good moral character, and no license shall be granted in the event that the applicant or anyone owning an interest in the proposed cabaret has, within one year preceding the date of such application, been convicted of violating any laws or ordinances relating to the sale of intoxicating liquor or if such persons or any of them have ever been convicted of violating any laws or ordinances relating to public morality and decency or if the premises do not comply with the requirements of this chapter and all laws and regulations of the State of New York and all ordinances and regulations of the Town of Bedford; provided further that if the Town Board shall not be satisfied that the application should be granted, then the Town Board shall, upon at least three days' notice to the applicant, hold a hearing upon such application, at which the applicant shall be given an opportunity to prove by competent evidence that the applicant (if a corporation, the holders of a majority of its capital stock) and all persons having an interest in the proposed cabaret are citizens of the United States and of good moral character, that none of them has ever been convicted of any of the above-mentioned offenses as herein provided, and that the premises described in the application comply with the requirements of this chapter and all laws and regulations of the State of New York and all ordinances and regulations of the Town of Bedford. If after such hearing the Town Board shall find from a preponderance of the evidence that the foregoing facts have been established, it shall issue the license applied for. If after such hearing the Town Board shall find that the foregoing facts have not been established by the evidence, the application shall be denied. The action of the Town Board upon such hearing shall be final.

§ 44-6. License fee; expiration and transferability of license. [Amended 12-15-1992; 3-7-2006 by L.L. No. 2-2006]

The license fee per annum for a cabaret license shall be made part of the Fee Schedule of the Code of the Town of Bedford.¹ All such licenses shall expire on December 31 next following their issue. In order to obtain a renewal of such license, the licensee must reapply by September 30 of the year of expiration on the same form as the original application. The application shall be processed in accordance with §§ 44-4 and 44-5 hereof as if the renewal application was an original. Such license shall not be transferable and shall not authorize the person to whom it is granted to conduct a cabaret at any location other than that specified herein.

1. Editor's Note: Said schedule is on file in the Town offices.

§ 44-7. Revocation of license.

The Town Board reserves the power unto itself to revoke any license issued under the provisions of this chapter at any time where the same was procured by fraud or false representation of fact or for the violation of any of, or failure to comply with, the provisions of this chapter by the person holding such license or any of his servants, agents or employees, or the conviction of the person holding such license of any crime or offense involving moral turpitude, or the conviction of any of his servants, agents or employees of any crime or offense involving moral turpitude committed on the premises on which his cabaret is conducted. At least three days before revoking any license, the Town Board shall cause to be mailed to the holder of the license at the address at which his cabaret is being conducted a notice, stating the time and place of hearing concerning the revocation at which the licensee shall be entitled to be heard and introduce the testimony of witnesses. The action of the Town Board relative to such revocation shall be final, provided that whenever any person to whom a license has been granted under the provisions of this chapter shall be convicted of violating any of the provisions thereof, such conviction shall be prima facie evidence of facts sufficient to warrant revocation of the license held by such person.

§ 44-8. Restrictions and prohibitions.

- A. No person owning, managing or operating or conducting a cabaret shall allow or permit any person employed by him in the capacity of an entertainer or servant or otherwise to approach or accost any guest to dance with or have refreshments with such employee as aforesaid during the hours of their employment, nor shall any person in the premises of a cabaret approach any person who is an employee of the owner or manager or operator in the capacity of any entertainer or servant or otherwise during the hours of their employment, for the purpose of inducing any such person so employed to dance with or have refreshments with such guest.
- B. It shall be unlawful for any cabaret to have, permit or maintain any boxes or booths closed by any door, screen, curtain or other device. It shall be unlawful for any cabaret to have, permit or maintain any box or booth with an entrance thereto in any side other than the side which faces the center of the main room.
- C. It shall be unlawful for the owner, proprietor, manager or person in charge of any place licensed under the provisions of this chapter to employ as an entertainer in such place any person who is not at least 21 years of age and of good moral character. [Amended 3-1-1983; 10-15-1985]
- D. It shall be unlawful for the owner, proprietor, manager or person in charge of any place licensed under the provisions of this chapter to refuse admission to any peace officer charged with the duty of enforcing this chapter. Said officers shall have free access at all times to any cabarets licensed under the provisions of this chapter.
- E. It shall be unlawful for the owner, proprietor, manager or person in charge of any place licensed under the provisions of this chapter, or for any employee of said place, to harbor, admit, receive or permit to be or remain in and about any such place any minor under the age of 21 years, any lewd or dissolute person, any common prostitute, any drunken or boisterous person or any person under the influence of intoxicating liquor or

any person whose conduct tends in any way to corrupt the public morals. [Amended 3-1-1983; 10-15-1985]

- F. It shall be unlawful for any minor under the age of 21 years, any lewd or dissolute person, any common prostitute, any drunken or boisterous person or person under the influence of intoxicating liquor or any person whose conduct while present in said place in any way tends to corrupt the public morals to be or remain in or about any place licensed under the provisions of this chapter after being notified by the management or a peace officer to leave the premises. [Amended 3-1-1983; 10-15-1985]
- G. It shall be unlawful for any person to conduct himself in a boisterous manner or to use any profane, obscene or indecent language in or about any place licensed under the provisions of this chapter or the hallways or entrance thereof.
- H. It shall be unlawful for any person to make any misrepresentation or false statement as to his own age, or that of any other person, for the purpose of obtaining admission to any cabaret of such person as to whose age such statement is made.

§ 44-9. Posting of license.

Each license issued hereunder shall be kept posted at the main entrance of every place licensed hereunder.

§ 44-10. Exemptions.

This chapter shall not apply to:

- A. Premises owned, occupied and/or leased exclusively by a religious, charitable eleemosynary or educational corporation or institution.
- B. Any premises or establishment not regarded as a "cabaret," as defined in § 44-2 herein, which may permit dancing on separate occasions in connection with any exclusively private wedding, birthday, society, association, religious, charitable, eleemosynary or educational dinner, event or affair wherein the entertainment is provided and paid for by the patron.

§ 44-11. Hours.

No cabaret shall be open except during hours as may be permitted by the State Liquor Authority and/or a local board of such Authority. If any cabaret is found open between the prohibited hours, the person owning, managing, operating or conducting the cabaret shall be held responsible for a violation of the provisions of this chapter in relation to such closing.

§ 44-12. Additional prohibitions.

- A. It shall be unlawful for the owner, proprietor, manager or person in charge of any place licensed under the provisions of this chapter to give or permit the giving of, in any cabaret, any entertainment amplified by a mechanical device of such an intensity,

character and duration to disturb the peace, tranquillity and good order of the people of the Town of Bedford.

- B. It shall be unlawful for the owner, proprietor, manager or person in charge of any place licensed under the provisions of this chapter to permit any disorderly, noisy, riotous or tumultuous conduct on the premises so licensed.
- C. It shall be unlawful for any female engaged in entertaining or performing in any play, exhibition, show or entertainment or engaged in the serving of food or drink to be clothed or costumed in such a manner that the portion of her breast below the top of the areola is not covered with a fully opaque covering.²

§ 44-13. Safety standards.

- A. All entrances and exits shall remain unlocked while there are patrons in the premises, and all such exits shall be clearly marked. During the period that a cabaret is occupied by patrons or guests, it shall be illuminated by sufficient natural or artificial light to permit a person to read in every portion thereof nine-point print of the kind generally used in the average daily newspaper.
- B. Before the issuance of a cabaret license, the Town Board of the Town of Bedford shall determine with the aid of the Building Inspector the maximum number of patrons permitted upon the licensed premises as set forth in the Fire Protection Ordinance of the Town of Bedford at one time in order to prevent overcrowding and the resultant hazards to health and safety. Such maximum number so determined shall be stated on said license, and any owner, proprietor, manager or person in charge of any place licensed under the provisions of this chapter permitting more patrons than the number stated on said license shall be in violation of this chapter.

§ 44-14. Informing guests of charges and time limitations.

Before a patron or guest is served, he is to be furnished with a clearly printed menu itemizing the prices charged for food and drink. If there is an extra charge or additional charge for a particular space or table, the patron must be advised accordingly before being seated. If a licensee advertises his business through any medium and reference is made in the advertisement to a price or prices, to a charge or charges or to the absence of a certain charge or charges, such advertisement must accurately and clearly indicate whether there are any variations in the price or prices depending upon the time of day or evening, or any cover, placement, location or minimum charge. If there is a time limit on a table reserved or otherwise, the patron or patrons must be notified before being seated.

§ 44-15. Compliance with additional standards.

The licensee and all stockholders, officers, directors, agents, employees and concessionaires shall at all times strictly and promptly conform to and comply with all laws, provisions, rules,

2. Editor's Note: Original Section 24, which immediately followed this subsection and which duplicated the provisions currently in § 44-9, was deleted 5-1-1984 by L.L. No. 2-1984.

regulations and requirements of all federal, state and municipal authorities and agencies having jurisdiction with respect to the premises and the conduct and operation of the licensed business therein and threat now in force or hereafter adopted during any license period.

§ 44-16. Penalties for offenses. [Amended 5-1-1984 by L.L. No. 2-1984]

A violation of any of the provisions of this chapter shall, upon conviction thereof, be punishable by a fine not to exceed \$250 for each offense or by imprisonment for each offense for a period not exceeding 15 days, or by both such fine and imprisonment.



**TOWN OF BEDFORD
321 BEDFORD ROAD
BEDFORD HILLS, NEW YORK 10507
APPLICATION FOR CABARET LICENSE**

Name of Business: _____
D/B/A: _____
Address: _____
Telephone: _____

1. Name of Applicant:

LAST _____ FIRST _____ MI _____
Date of birth: _____
Residence: (actual home, not a PO Box) _____

Phone: (H) _____ (W) _____

2. Name of Owner of Premises, if other than applicant:

LAST: _____ FIRST: _____ MI: _____
Date of birth: _____
Residence: (actual home, not a PO Box) _____

Phone: (H) _____ (W) _____

3. State whether Individual ()

Partnership ()

Corporation () I.D. No. _____

a. If Partnership state names and addresses of all persons having an interest and attach partnership documents.

LAST: _____ FIRST: _____ MI _____
Residence: (actual home, not a PO Box) _____

Date of Birth: _____
Phone number: (H) _____ (W) _____

LAST: _____ FIRST: _____ MI _____
Residence: (actual home, not a PO Box) _____

Date of birth: _____
Phone number: (H) _____ (W) _____

b. If Corporation state names and addresses of all officers and attach corporation documents.

LAST: _____ FIRST: _____ MI: _____

Residence: (actual home, not a PO

Box) _____

Date of birth: _____

Phone number: (H) _____ (W) _____

LAST: _____ FIRST: _____ MI: _____

Residence: (actual home, not a PO

Box) _____

Date of birth: _____

Phone number: (H) _____ (W) _____

c. If Individual or Partnership, state whether all persons sharing in business are citizens of the United States.

d. State names and addresses of such persons who are not citizens of the United States.

LAST: _____ FIRST: _____ MI: _____

Residence: (actual home, not a PO Box) _____

Date of birth: _____

Phone number: (H) _____ (W) _____

LAST: _____ FIRST: _____ MI: _____

Residence: (actual home, not a PO

Box) _____

Date of birth: _____

Phone number: (H) _____ (W) _____

E. If Corporation, state names and addresses of each stockholder together with number of shares of capital stock held by each.

LAST: _____ FIRST: _____ MI: _____

Residence: (actual home, not a PO Box) _____

Date of birth: _____ Shares: _____

Phone number: (H) _____ (W) _____

LAST: _____ FIRST: _____ MI: _____

Residence: (actual home, not a PO

Box) _____

Date of birth: _____ Shares: _____

Phone number: (H) _____ (W) _____

f. If Corporation, state whether all stockholders are citizens of the United States.

g. State names and addresses of all stockholders who are not citizens of the United States.

LAST: _____ FIRST: _____ MI: _____

Residence: (actual home, not a PO

Box) _____

Date of birth: _____

Phone number: (H) _____ (W) _____

LAST: _____ FIRST: _____ MI: _____

Residence: (actual home, not a PO

Box) _____

Date of birth: _____

Phone number: (H) _____ (W) _____

h. State names and addresses of all persons who hold mortgages, loans or other forms or evidences of indebtedness in relation to the business.

LAST: _____ FIRST: _____ MI: _____

Residence: (actual home, not a PO

Box) _____

Date of birth: _____

Phone number: (H) _____ (W) _____

LAST: _____ FIRST: _____ MI: _____

Residence: (actual home, not a PO

Box) _____

Date of birth: _____

Phone number: (H) _____ (W) _____

i. State nature of entertainment or exhibition to be produced.

j. Has the applicant or anyone owning an interest in the proposed cabaret been convicted within one year pre-ceding date of this application of violating any ordinance or law relative to the sale of intoxicating liquor? _____

k. Have any of said persons ever been convicted of violating any ordinance or law relating to public morality or decency? _____

4. Proposed location of cabaret: Section _____ Block _____ Lot _____

a. Do the premises upon which the proposed cabaret is to be conducted comply with the requirements of the building code and those relating to health and sanitation?

b. Do said premises comply with the requirements of this ordinance relating to and regulating cabarets, providing for the licensing thereof, regulating the conduct of persons therein, defining offenses and providing penalties for the violation hereof -

5. State names and addresses of all employees:

LAST: _____ FIRST: _____ MI: _____

Residence:(actual home, not a PO

Box) _____

Date of birth: _____

Phone Number: (H) _____ (W) _____

LAST: _____ FIRST: _____ MI: _____

Residence:(actual home, not a PO

Box) _____

Date of birth: _____

Phone Number: (H) _____ (W) _____

LAST: _____ FIRST: _____ MI: _____

Residence:(actual home, not a PO

Box) _____

Date of birth: _____

Phone Number: (H) _____ (W) _____

LAST: _____ FIRST: _____ MI: _____

Residence:(actual home, not at PO

Box) _____

Date of birth: _____

Phone Number: (H) _____ (W) _____

LAST: _____ FIRST: _____ MI: _____

Residence:(actual home, not a PO

Box) _____

Date of birth: _____

Phone Number: (H) _____ (W) _____

LAST: _____ FIRST: _____ MI: _____

Residence:(actual home, not a PO

Box) _____

Date of birth: _____

Phone Number: (H) _____ (W) _____

LAST: _____ FIRST: _____ MI: _____

Residence:(actual home, not a PO

Box) _____

Date of birth: _____

Phone Number: (H) _____ (W) _____

LAST: _____ FIRST: _____ MI: _____

Residence:(actual home, not a PO

Box) _____

Date of birth: _____

Phone Number: (H) _____ (W) _____

LAST: _____ FIRST: _____ MI: _____

Residence:(actual home, not a PO

Box) _____

Date of birth: _____

Phone number: (H) _____ (W) _____

LAST: _____ FIRST: _____ MI: _____

Residence:(actual home, not a PO

Box) _____

Date of birth: _____

Phone number: (H) _____ (W) _____

6. License fee of \$150.00 accompanies this application.

7. Notice: Pursuant to the Penal Law, Section 210.45, it is a crime punishable as a misdemeanor to knowingly make a false statement herein.

Print Name

Corporate Seal

Signature and Title

for Name of Company

STATE OF NEW YORK :
COUNTY OF WESTCHESTER :

I, _____, being duly sworn, deposes and says I am the
_____ above named applicant and make this affidavit for the
purpose of obtaining from the Town of Bedford a license to operate a cabaret as provided in
an ordinance relating to and regulating cabarets, providing for the licensing thereof,
regulating the conduct of persons therein, defining offenses and providing penalties for the
violation thereof. I have personal knowledge of the matters stated in the foregoing
application and the statements therein contained are true.

Signature

Sworn to before me this
_____ day of _____, 20____.

Notary Public, Westchester County